

REMARKS

A Substitute Specification and Abstract is submitted herewith to place the case in better English form. The Substitute Specification and Abstract contains no new matter. In order that the examiner can satisfy himself in this regard, also submitted herewith is a marked-up copy of the original English language translation (of the International Application as amended during the International Phase) from which the Substitute Specification and Abstract was typed. The new Summary of the specification is based on the original claims.

Newly presented claim 7 roughly corresponds to claim 1 with several additional limitations. Firstly, claim 7 defines exactly what is meant by a "transpiring film" in language taken from page 1, lines 2-4 of the original translation, i.e., defined as allowing vapour and air to pass therethrough while being impermeable to liquids. That the filler is of a nature that imparts transpirability to the film in stretching is taught, for example, at page 2, lines 18 and 19 of the original English translation. That the flattened tube consists of a double layer structure is inherent to the flattening of a tube and is expressly taught at page 3, lines 1-4 of the original specification. The advantage of such a two layer structure in a transpiring film is explained at page 3, lines 5-7, i.e., the problem of micro holes forming in the film during stretching is solved by the fact that "it is extremely improbable that both the layers of the film will be damaged at the same point." That the heating and compressing steps serve to unite the two layers is taught at page 4, lines 9-12. That "transpirability" is imparted in the stretching step is taught in

applicants' specification, for example, at page 4, lines 15 and 16.

Description corresponding to new claim 9 is found at page 2, lines 18 and 19 of the original translation.

With regard to new claims 10, 11 and 14-19 as taught at page 1, lines 2 and 3, the present invention is broadly directed to the production of polyolefinic transpiring film. Also note the use of the term "polyolefinic" in the preambles of the original claims. More specifically, the present invention is directed to a problem associated with the extrusion of polyethylene to form such films. See lines 14 and 15 at page 1 of the original translation. The teaching of the use of copolymers of ethylene and an α -olefin is found at page 2, lines 12-13.

Description corresponding to new claims 12-19 is found at page 2, lines 16 and 17 of the original translation.

New apparatus claim 20 combines the limitations of original claims 3 and 4 and further incorporates at least some of the language added in redrafting claim 1 as claim 7, and outlined above.

In drafting the new claims, the rejection for indefiniteness as set forth in paragraph 2 of the office action has been addressed.

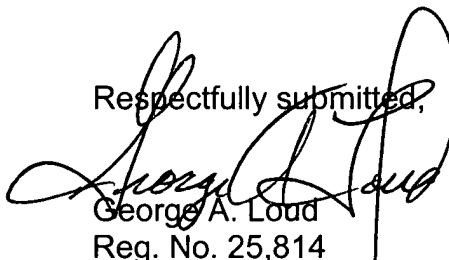
The rejection of claims 1 and 3 for anticipation or, in the alternative, obviousness over Matthews et al, to the extent that it might be applicable to any of the newly presented claims, is respectfully traversed. Matthews is directed to formation of a heat-shrinkable film. See, for example, column 1, lines 6-8 of Matthews et al. The requirements of a heat-shrinkable film are incompatible with those of a "transpiring" or semipermeable film which is produced by the method and apparatus of the present invention. It is respectfully submitted that it would not have been obvious to modify the method of Matthews et al in such a way that the product would not be a "heat-shrinkable film" having the "heat seal energy", etc., i.e., meeting the objectives and requirements of Matthews et al. Note for example, that Matthews uses 900 parts per million of "Superfloss" which is described at column 7, lines 28-30 as an "anti-block additive" of erucamide and diatomaceous silica. Even if the Superfloss were considered to be a filler, it would not provide the function of transpirability. Firstly, it is doubtful that "Superfloss" would have the dimensions specified by claims 12, 14, 16 and 18 nor would it be present in anything approaching the amount specified by claim 9 ($2 \times 900 \text{ ppm} = 0.18\%$).

The rejection for obviousness set forth in paragraph 7 of the office action, to the extent that it might be applicable to newly presented claim 8, is respectfully traversed. Like Matthew et al, Van Cappellen is not directed to the production of a transpiring or semipermeable membrane. Accordingly, the additional citation of Van Cappellen cannot serve to cure the above-noted deficiencies of Matthew et al as a reference.

Insofar as the rejection for obviousness set forth in paragraph 7 of the office action might be applicable to newly presented claim 20, the rejection is also traversed. While Van Cappellen discloses use of a heating device comprising a heated roller and an infrared heater, the heating device is located at the longitudinal stretching means, consistent with the purpose of Van Cappellen in avoiding "wrinkling of the film during the longitudinal stretching" (column 1, lines 43-46). In contradistinction, the heating means of the present invention is positioned to heat the film prior to the second calendering (compressing) and prior to the stretching step. Of course, if one were to relocate the heating means of Van Cappellen at a position other than where the film is undergoing longitudinal stretching, it would be impossible to achieve the effect desired by Van Cappellen. Thus, even if the teachings of Van Cappellen were to be combined with Matthew et al, the result would not be the invention as defined by claim 20.

In conclusion, it is respectfully requested that the examiner reconsider the rejections of record with a view toward allowance of the rewritten claims.

Respectfully submitted,



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